

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISAAC GONZALES,

Plaintiff,

No. CIV S-00-00945 GEB KJM P

vs.

CAL A. TERHUNE, et al.,

Defendants.

ORDER

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Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court has requested the voluntary assistance of counsel, but the attorneys the court has asked to take plaintiff's case have declined. Therefore, plaintiff's request for the appointment of counsel must be denied.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the  
appointment of counsel is denied.

DATED: October 11, 2005.

  
UNITED STATES MAGISTRATE JUDGE

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